

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Ohio & Vicinity Carpenters'
Fringe Benefit Funds, Inc.,

Case No. 3:21-cv-426

Plaintiff,

v.

ORDER

Bulldog Mechanical, LLC,

Defendant.

Plaintiff Ohio & Vicinity Carpenters' Fringe Benefit Funds, Inc., filed suit on February 24, 2021, alleging Defendant Bulldog Mechanical, LLC, failed to fringe benefit contributions to certain fringe benefit funds established by a Collective Bargaining Agreement and administrated by Plaintiff. (Doc. No. 1). Plaintiff alleged Defendant breached the Collective Bargaining Agreement and violated 29 U.S.C. § 1145. (*Id.*).

After Defendant did not file an answer or other responsive pleading or otherwise appear to contest Plaintiff's allegations, I granted Plaintiff's motion for default judgment in part, enjoined Defendant from any further breach of the Collective Bargaining Agreement regarding the payment of fringe benefit fund contributions, and ordered Defendant to provide Plaintiff with access to its books and records, so that Plaintiff may determine the amount due and owing in unpaid contributions. (Doc. No. 10). I held in abeyance a ruling on Plaintiff's request for damages and

attorney fees until after the completion of an audit of Defendant's books and records to determine the amount of due and unpaid contributions. (*Id.* at 2).

Plaintiff now has filed a motion for the entry of an amended default judgment, seeking the assessment of damages, interest, attorney fees, and costs. (Doc. No. 14). After reviewing Plaintiff's submission, I conclude Plaintiff has established it is entitled to \$16,587.31 in fringe benefits, deductions, assessments, and interest as determined by the audit of Defendant's books and records, as well as \$3,071.00 in attorney fees and costs pursuant to the Collective Bargaining Agreement and 29 U.S.C. § 1132(g)(2)(D). Therefore, it hereby is ordered that my earlier default judgment order, (Doc. No. 10), is amended and that Defendant shall pay to Plaintiff \$19,658.31. This Court will retain jurisdiction over this case pending Defendant's compliance with my amended default judgment order.

So Ordered.

s/ Jeffrey J. Helmick _____
United States District Judge